

SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and David Toborowski.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. David Toborowski*, Case No. 08-028;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on November 14, 2008, the Commission alleged facts in an Initiating Order that David Toborowski violated the Executive Branch Code of Ethics at KRS 11A.050 (1);

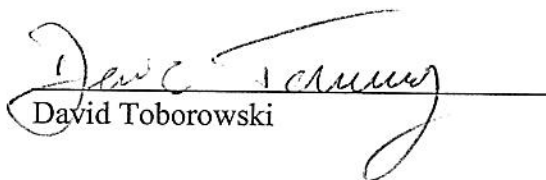
WHEREAS, David Toborowski was at all relevant times mentioned in the Initiating Order a "public servant" as defined in KRS 11A.010(9) until his resignation effective January 3, 2008, and thus is subject to the Executive Branch Code of Ethics; and

WHEREAS, David Toborowski indicates his desire to resolve all issues in this action by the execution of a Settlement Agreement.

NOW, THEREFORE, in settlement of the above allegations, the Commission and David Toborowski agree, pursuant to KRS 11A.100, as follows:

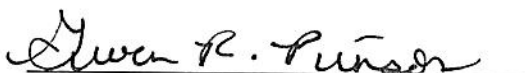
1. David Toborowski admits that he committed a violation of the Executive Branch Code of Ethics at KRS 11A.050 (1) as stated in the Commission's Initiating Order of November 14, 2008.
2. David Toborowski agrees to pay the Commission a civil penalty of one hundred dollars (\$100.00) on or before February 28, 2009.
3. David Toborowski agrees that upon a Final Order being issued by the Commission that he waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.
4. The parties further agree that the acceptance of this Settlement Agreement by both parties, and the fulfillment of its express terms, is in full accord and satisfaction of the herein referenced *Executive Branch Ethics Commission v. David Toborowski*, Agency Case No. 08-028.
5. This Settlement Agreement constitutes a public reprimand to David Toborowski, a copy of which will be provided to his former appointing authority pursuant to KRS 11A.100(3)(c).

IN WITNESS THEREOF, the parties have caused this agreement to be executed:



David Toborowski

1/8/09
Date

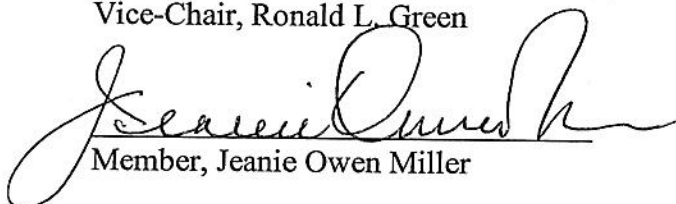
EXECUTIVE BRANCH ETHICS COMMISSION:


Chair, Gwen R. Pinson

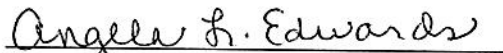
1/23/09
Date


Vice-Chair, Ronald L. Green

1/23/09
Date


Member, Jeanie Owen Miller

1/23/2009
Date


Member, Angela Edwards

1/23/09
Date


Member, Nicholas Patrick Cambron

1-23-09
Date